

REMARKS

In the Final Office Action dated October 15, 2005, claims 22, 36, 52 and 60 were rejected under 35 USC 112, second paragraph, for being indefinite for failing to provide antecedent basis for "decrypting the encrypted first data file". Further, claims 22-25, 30-32, 35, 36-39, 44-46 and 49-68 were rejected under 35 USC 103(a) as being unpatentable over Reitmeier et al. (U.S. PG Pub No 2002/0003881) in view of Maeng (USP 6,476,873).

In response to the 112, second paragraph rejections, Applicant has amended claims 22, 36, 52 and 60 to overcome the indefinite issues raised by the Examiner by conforming the "decryption" recitation to the "encrypting at least a portion" language. Additionally, claims 30, 37-39, 44-51, 55, 58-59, 61-63 and 65-68 have been amended to conform to the amendments being entered for claims 22, 36, 52 and 60. None of the amendments has been entered to overcome the cited references.

In response to the 103(a) rejections, Applicant respectfully traverses the Examiner's rejections. Each of independent claims 22, 30, 36, 44, 52, 55, 60, and 64 recites in substance

- at least two derivative data files of the digital sound file be generated where both data files contain different segments of the digital sound file; and
- at least one of the derivative data files of the digital sound file being delivered to a non-persistent storage of an electronic device, through another device via either a removable storage or a data stream.

In contrast, the Reitmeier scrambled content is always persistently distributed to the rendering device; specifically, distributed into a persistent local storage (155 in Fig. 1 of Reitmeier), and the other file being delivered contains only index information indexing the scrambled content (which is not content). Such information is distributed to the rendering device's non-persistent random access memory (165a in Fig. 1 of Reitmeier). As with Maeng, Reitmeier does not disclose characteristics of the storage element for the subsection of the video selected for enhancement, and the subsection

of the video not selected for enhancement. Thus, Reitmeier and Maeng in combination do not teach or suggest the recitations.

The Examiner (in rejecting other claims) asserted that Reitmeier teaches storing the selected and the unselected one of the first and second data files in persistent and non-persistent storage respectively (citing paragraphs *0005-0008, 0016, 0024, 0025, 0029 and 0036*).

Applicant has re-reviewed all these passages carefully, and cannot find the teachings of storing the selected and the unselected one of the first and second data files in persistent and non-persistent storage as asserted by the Examiner. The cited passages merely disclose the sound file is being divided into segments, and the segments are rearranged to obfuscate the content. However, as previously discussed, the re-arranged segments are transmitted for storage in persistent local storage 155. Only the segment indices (which are not content) are distributed for storage in non-persistent random access (165A of Reitmeier).

Should Examiner continues to maintain the rejections relying on paragraphs *0005-0008, 0016, 0024, 0025, 0029 and 0036* of Reitmeier, Applicant respectfully requests that the Examiner more specifically identify which portion of these passages teaches the claimed recitations.

Further, in rejecting these claims, the Examiner acknowledged in paragraph 13 of the action that "Reitmeier et al fails to teach communicating/storing to the electronic device ..., a selected one of the encrypted first data file on the second data file, and communicating/storing to ... another computing/electronic device for streaming to the ... device, the unselected one of the first and second data files." However, the Examiner further asserted that Maeng remedies this deficiency (citing the abstract, and column 2 line 53-3 line 35).

Maeng teaches a system and method for enhancing a selectable region of a video. To the extent that the selected and unselected sections can be read as first and second data files, both sections (the enhanced and the unenhanced section) are provided directly from a sender to a receiver via communication link 130 (see Fig. 1 of Maeng). Applicant respectfully disagrees that Maeng discloses either that the enhanced or unenhanced section of a data file is sent to another device for delivery to the ultimate receiver. Contrary to the Examiner's assertion, the admitted deficiency of

Reitmeier (sending the removed/residual content to another device for delivery to a rendering device) is not remedied by Maeng.

Accordingly, for at least the foregoing reasons, claims 22, 30, 36, 44, 52, 55, 60, and 64 are patentable over Reitmeier and Maeng either individually or in combination.

Claims 23-25, 31-32, 35, 37-39, 45-46, 49-51 53-54, 56-59, 61-63, and 65-68 depend on either claim 21, 30, 36, 44, 52, 55, 60, and 64, incorporating their limitations correspondingly. Therefore, for at least the same reasons, Claims 23-25, 31-32, 35, 37-39, 45-46, 49-51, 53-54, 56-59, 61-63, and 65-68 are patentable over Reitmeier and Maeng combined.

Further, claims 23-25, 31-32, 35, 37-39, 45-46, 49-51, 53-54, 56-59, 61-63, and 65-68 are additionally patentable over Reitmeier and Maeng for the additional limitations they recite. For example, each of claims 24, 31, 38, 45, 54, 56, 62 and 65 requires the second data file to include, in addition to content, data supplement that indicates location within the digital file of the removed segments. In contrast, Reitmeier merely teaches the separated transmission of the indices. Therefore, contrary to the Examiner's assertion, Reitmeier does not teach the "integral data supplement" recitations of claims 24, 31, 38, 45, 54, 56, 62 and 65.

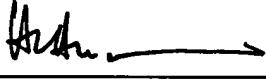
CONCLUSION

In viewing of the foregoing, Applicant submits Claims 22-25, 30-32, 35, 36-39, 44-46, 49, and 50-68 are in condition for allowance. Early issuance of Notice of Allowance is respectfully requested.

The Commissioner is hereby authorized to charge shortages or credit overpayments to Deposit Account No. 500393. A Fee Transmittal is enclosed in duplicate for fee processing purposes.

Respectfully submitted,
SCHWABE, WILLIAMSON & WYATT, P.C.

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Al AuYeung
Registration No. 35,432

Pacwest Center, Suites 1900
1211 SW Fifth Avenue
Portland, Oregon 97204
Telephone: 503-796-2437